

AO 91 (Rev. 08/09) Criminal Complaint

## UNITED STATES DISTRICT COURT

NOV 02 2018

for the

Southern District of Texas, Brownsville

David J. Bradley, Clerk of Court

United States of America )

v. )


Enrique FERNANDEZ )

Case No. B-18-1055-MJ

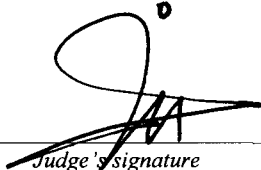
Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 11/01/2018 in the county of Cameron in the  
Southern District of Texas, the defendant(s) violated:*Code Section*  
18 USC 922 (g)(1)*Offense Description*  
On November 1, 2018, in Cameron County, Texas, and within the jurisdiction of the Court, Enrique FERNANDEZ, a felon convicted of Possession of Controlled Substance in Cameron County, Texas in the 138th Judicial District in Cause Number 92-CR-262-B, an offense punishable by a term of imprisonment exceeding one year, possessed a firearm, namely a Harrington & Richardson, Inc., Model 676, .22 caliber revolver, with Serial Number: AU113201, a firearm which traveled in foreign or interstate commerce.This criminal complaint is based on these facts:  
see Attachment A for more details.☒ Continued on the attached sheet.  
Complainant's signatureCarolina Moreno Special Agent ATF  
Printed name and title

Sworn to before me and signed in my presence.

Date: 11/02/2018  
Judge's signatureCity and state: Brownsville, TexasIgnacio Torteya III, United States Magistrate Judge  
Printed name and title

United States District Court  
Southern District of Texas  
**FILED**

NOV 02 2018

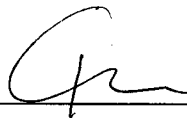
AO 91 (Rev. 2/09) Criminal Complaint

David J. Bradley, Clerk of Court

B-18-1055-MJ

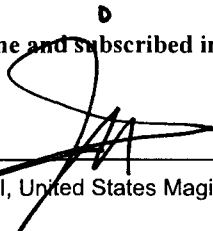
**ATTACHMENT A**

1. On November 1, 2018, ATF Special Agents from the Brownsville Field Office received information from the Fort Brown (FTB) Border Patrol Station after they encountered Enrique FERNANDEZ, a felon, for discharging a weapon, later identified as a Harrington & Richardson, Inc., Model 676, .22 caliber revolver, with Serial Number: AU113201.
2. FTB agents advised they were maintaining visual of FERNANDEZ' residence, after having observed illegal immigrants enter the property. FTB agents then heard three shots discharged from a weapon. FTB agents responded and observed FERNANDEZ walking back to the garage with the H&R revolver in his hand, pointed towards the ground. FTB agents identified themselves as law enforcement officers and ordered FERNANDEZ to drop the H&R revolver. FERNANDEZ proceeded to an outlying room where he opened the door and placed the H&R revolver. Agents then approached FERNANDEZ and questioned FERNANDEZ regarding the shots fired. FERNANDEZ stated he observed two individuals near some palm trees of his property and fired rounds.
3. FTB agents requested the presence of Cameron County Sheriff's Office (CCSO) regarding the shots fired. CCSO Deputy arrived and interviewed FERNANDEZ. FERNANDEZ admitted to the CCSO Deputy that he had gone inside his residence and grabbed his H&R revolver and fired three rounds in the air in an attempt to scare off all of the illegal immigrants he believed were around the property. CCSO Deputy asked FERNANDEZ for the location of the H&R revolver, in which FERNANDEZ stated it was in the bedroom. CCSO Deputy obtained consent to search the residence for the illegal immigrants and located the H&R revolver on the bed inside the bedroom. The bedroom was the same room in which FTB agents had observed FERNANDEZ place the revolver. While rendering the H&R revolver safe, three spent casings were found inside the cylinder, along with three unfired rounds. During a pat down search of FERNANDEZ, a box of ammunition was also found on his person.
4. A review of Certified Court Documents revealed that FERNANDEZ has felony convictions in the state of Texas. FERNANDEZ' most recent conviction is Possession of a Controlled Substance in which he received a sentence of 23 years confinement.
5. An ATF Interstate Nexus Expert examined a photograph of the H&R revolver and determined the revolver had traveled in foreign or interstate commerce.



Carolina Moreno Special Agent ATF

Sworn to before me and subscribed in my presence,



Ignacio Tortosa III, United States Magistrate Judge

11/02/2018

Date